

REMARKS

Claims 1, 3-10, 13-14, and 22-28 were pending as of the Office Action mailed January 28, 2008. Claims 1, 13-14, and 25 are being amended. Claim 23 has been cancelled. No new matter has been added. Reexamination of the application and reconsideration of the action are respectfully requested in light of the foregoing amendments and the following remarks

I. Interview Summary

The applicant thanks Examiner Keefer for the courtesy of a personal interview on November 14, 2007. The time the examiner spent with the Applicants' representative David Jordan was greatly appreciated. During the interview, the claims were discussed in light of the previous rejections.

II. Objection

In the Office Action, the Examiner objected to the specification for failing to provide proper antecedent basis for the claimed subject matter, specifically requiring correction of claim 23. As Applicants have cancelled claim 23, without conceding the correctness of the rejection, the objection is now moot.

II. 35 U.S.C § 101

Claims 13-14 are rejected 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants have amended claims 13-14 to recite "an apparatus comprising a processor," which is clearly statutory. Support for the claim amendments can be found in the specification on page 15-16. Applicants therefore request the Examiner to withdraw the 35 U.S.C. § 101 rejection.

III. 35 U.S.C § 112

Claims 1, 3-10, 13-14, 22-23 and 25-28 are rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the “invention.” Applicants have amended claims 1, 13, and 25 to recite “the at least one HTTP-request parameter including an event name and an event value derived from attributes of the generic description, the generic description defining a resource processing the event and a sequence of the event.” Therefore, it is clear that the generic description defines the source processing the event and the sequence of the event. Applicants request the 35 U.S.C. § 112 rejection be withdrawn.

IV. 35 U.S.C § 103(a)

Claims 1, 3-9, 13-14, 22-23 and 25-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over “Device Independence Web Application Framework (DIWAF) by Giannetti (“Giannetti”) in view of U.S. Patent No. 6,052,730 to Felciano et al. (“Felciano”), and claims 10 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Giannetti in view of Felciano, and further in view of Official Notice.

Independent claim 1 recites, *inter alia*, “receiving from the client device the event coded as at least one HTTP-request parameter based on the form submission user interaction occurring at the browser, the at least one HTTP-request parameter including an event name and an event value derived from attributes of the generic description, the generic description defining a resource processing the event and a sequence of the event.” Claims 1 and 25 recite similar limitations. The applied references are not seen to disclose, teach or to suggest the foregoing features recited by the independent claims.

The Examiners states that Giannetti teaches the above cited limitations by stating that “[f]rom the section interaction and navigation [of Giannetti], it is clear that the document description language version of the event must define a resource processing the event and a sequence of the event, which must contain the sequence to be executed when the event occurs.

Thus has both the sequence of the event and the resource processing the event. Additionally, as the device dependent document is made using the generic description, any requests sent back to the server from that document are inherently derived from the contents of the generic document.”
See Office Action, page 6.

Giannetti discloses a framework for adapting content to make it suitable for delivery to many kinds of devices. *See Abstract.* The framework is founded on a single authoring principle of designing for the most capable device and automatically adapting the content for difference device classes, based on author-provided metadata that guides the adaptation process. *See id.* The portions cited by the examiner merely describes that an interaction model is expected to be provided by XForms, extended to support priorities and the binding model. *See Gianetti, page6.* Navigation may be either implicit or explicit. *See id.* Implicit navigation can be automatically generated, for example to link together elements of a view-port that have been split into multiple units for a smaller device. *See id.* Explicit navigation may be represented as standard Semantic Elements, based for example on new proposals for XHTML 2.0 navigation lists. *See id.*

The cited portions of Giannetti are completely silent on any disclose of “HTTP-request parameter,” much less “one HTTP-request parameter based on the form submission user interaction occurring at the browser, the at least one HTTP-request parameter including an event name and an event value derived from attributes of the generic description, the generic description defining a resource processing the event and a sequence of the event.”

Furthermore, to establish inherency, the Examiner must specifically identify extrinsic evidence that makes clear to one skilled in the art that the missing element “is necessarily present” in the references. See *id.*; see also *Continental Can Co. v. Monsanto. Co.*, 948 F.2d 1264, 1269 (Fed. Cir. 1991). The Examiner merely alleges that “from the section interaction and navigation, it is clear that the document description language version of the event must define a resource processing the event and a sequence of the event,” and “requests sent back to the server from that document are inherently derived from the contents of the generic document.” (Office Action, page 6). Nothing in Giannetti, however, teaches or contemplates such features, nor has the Examiner indicated any evidence that makes it clear that these features are “necessarily present” in the references. The rejection is thus improper for at least this additional reason.

Felciano also does not remedy the deficiencies of Giannetti, namely disclosing “one HTTP-request parameter based on the form submission user interaction occurring at the browser, the at least one HTTP-request parameter including an event name and an event value derived from attributes of the generic description, the generic description defining a resource processing the event and a sequence of the event,” as recited in claims 1, 13, and 25.

Accordingly, Giannetti and Felciano, taken alone or in combination, do not teach or suggest each and every element of claims 1, 13, and 25, and therefore, cannot support a rejection of these claims under 35 U.S.C. § 103(a).

Moreover, with respect to claims 10 and 28, Applicants respectfully traverse the Examiner’s official notice that HTML is a well-known web document language and that it would be obvious for one of ordinary skill in the art to at least allow transformation from the generic markup language described in Giannetti into basic HTML to support the most common web document standard. Under MPEP § 2144.03(A), official notice, may only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. See MPEP § 2144.03(A). More to the point, an Examiner is prohibited from taking official notice of facts without citing a reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. See id. In the instant case, Applicant respectfully asserts that the feature of using HTML as a device specific markup language is not capable of instant and unquestionable demonstration. Having failed to locate this feature after either conducting an exhaustive reference search or reviewing the Applicants disclosed references, Applicants respectfully assert that these features are ineligible for office notice, and further request that the Examiner provide documentary evidence if the rejection is to be maintained. See MPEP § 2133.03(C).

The remaining claims in the application are each dependent on the independent claims, and are thus allowable for at least the same reasons. Because each claim is deemed to define additional aspects of the disclosure, however, the individual consideration of each claim on its own merits is respectfully requested.

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Serial No. : 10/673,561
Filed : September 30, 2003
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US01

IV. Conclusion

For the foregoing reasons, the applicant submits that all the claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the Applicants' selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the Applicants' decision to amend or cancel any claim should not be understood as implying that the Applicant agree with any positions taken by the examiner with respect to that claim or other claims.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,



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Date: April 16, 2008

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